

**To:** "Paul Robershotte" [Paul.j.robshotte@usace.army.mil]  
**From:** CN=Karen Schwinn/OU=R9/O=USEPA/C=US  
**Sent:** Fri 7/1/2011 4:30:31 AM  
**Subject:** Re: Sharing Draft 404 NEPA MOU with Contractors?  
<mailto:Schwinn.Karen@epamail.epa.gov>  
[image002.jpg](#)  
[image003.jpg](#)

Great - thanks Paul.

From: "Robershotte, Paul J SPD" [Paul.J.Robershotte@usace.army.mil]  
Sent: 06/30/2011 05:35 PM MST  
To: <David\_Nawi@ios.doi.gov>; "Jewell, Michael S SPK" <Michael.S.Jewell@usace.army.mil>; Karen Schwinn; Tom Hagler  
Cc: <chip.smith1@us.army.mil>; Erin Foresman; "Nepstad, Michael G SPK" <Michael.G.Nepstad@usace.army.mil>  
Subject: Re: Sharing Draft 404 NEPA MOU with Contractors?

I heard back from Mark. He has directed his staff not to share MOU w Water Contractors at this time. He has told them this is underway and has not yet gotten any challenges. He may shoot to them after editing and before signing. So, I think we are on the same wavelength.

Best  
Paul

-----  
Message sent via my BlackBerry Wireless Device

From: Nawi, David <David\_Nawi@ios.doi.gov>  
To: Jewell, Michael S SPK; Schwinn.Karen@epamail.epa.gov <Schwinn.Karen@epamail.epa.gov>; Hagler.Tom@epamail.epa.gov <Hagler.Tom@epamail.epa.gov>  
Cc: chip.smith1@us.army.mil <chip.smith1@us.army.mil>; Foresman.Erin@epamail.epa.gov <Foresman.Erin@epamail.epa.gov>; Nepstad, Michael G SPK; Robershotte, Paul J SPD; Salt, Rock  
Sent: Thu Jun 30 13:59:10 2011  
Subject: RE: Sharing Draft 404 NEPA MOU with Contractors?

Paul - Do you want to coordinate with Mark Cowin on how and when to communicate with the contractors? I think, as Mike suggests, that sharing a draft with them that we are still working on is likely to be counterproductive, and that we should hold off until we get something in the nature of a final draft.

David

From: Jewell, Michael S SPK [Michael.S.Jewell@usace.army.mil]  
Sent: Thursday, June 30, 2011 1:56 PM  
To: Schwinn.Karen@epamail.epa.gov; Hagler.Tom@epamail.epa.gov  
Cc: chip.smith1@us.army.mil; Foresman.Erin@epamail.epa.gov; Nawi, David; Nepstad, Michael G SPK; Robershotte, Paul J SPD; Salt, Rock

Subject: RE: Sharing Draft 404 NEPA MOU with Contractors?

I know this is a bit late (and may be OBE) but I would strongly suggest we not share the draft MOU with others not signatory to the MOU until we have a document we are all satisfied with (final draft). I understand DWR is still looking it over...

Michael S Jewell

Chief, Regulatory Division

US Army Corps of Engineers, Sacramento District

From: Schwinn.Karen@epamail.epa.gov [mailto:Schwinn.Karen@epamail.epa.gov]  
Sent: Friday, June 24, 2011 3:36 PM  
To: Hagler.Tom@epamail.epa.gov  
Cc: chip.smith1@us.army.mil; Foresman.Erin@epamail.epa.gov; David Nawi; Nepstad, Michael G SPK; Jewell, Michael S SPK; Robershotte, Paul J SPD; Salt, Rock  
Subject: Re: Sharing Draft 404 NEPA MOU with Contractors?

just confirming that I'm ok with it, but defer to David and Paul.

~~~~~  
KAREN SCHWINN  
Associate Director  
Water Division  
U.S. EPA Region 9  
75 Hawthorne Street (Wtr-1)  
San Francisco, CA 94105  
415/972-3472  
415/947-3537 (fax)  
~~~~~

-----Tom Hagler/R9/USEPA/US wrote: -----

To: "Robershotte, Paul J SPD" <Paul.J.Robershotte@usace.army.mil>, "Nawi, David" <David\_Nawi@ios.doi.gov>  
From: Tom Hagler/R9/USEPA/US  
Date: 06/24/2011 03:33PM  
Cc: "Smith, Chip R Mr CIV USA ASA CW" <chip.smith1@us.army.mil>, Erin Foresman/R9/USEPA/US@EPA, Karen Schwinn/R9/USEPA/US@EPA, "Nepstad, Michael G SPK" <Michael.G.Nepstad@usace.army.mil>, "Jewell, Michael S SPK" <Michael.S.Jewell@usace.army.mil>, "Salt, Rock" <rock.salt@us.army.mil>  
Subject: Sharing Draft 404 NEPA MOU with Contractors?

I just had a talk with Michelle Morrow and Cathy Crothers, DWR legal, and they asked if they could share the draft 404 NEPA MOU with the contractors. I'm assuming once it goes to the state contractors it will also go to the federal contractors.

I told them that given the dynamics of all of this, I was not going to give her permission absent getting agreement from the DOI and Corps program leads. (I'm hoping that Karen wouldn't mind, since we tend to do things openly here at EPA).

What do you guys think?

\*\*\*\*\*  
\*\*\*\*\*

Tom Hagler  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region 9  
75 Hawthorne Street, RC-2  
San Francisco, California 94105-3901  
Phone: (415)972-3945

Image removed by sender. Inactive hide details for "Robershotte, Paul J SPD" ---06/24/2011 11:27:03 AM---  
Classification: UNCLASSIFIED Caveats: NONE"Robershotte, Paul J SPD" ---06/24/2011 11:27:03 AM---Classification:  
UNCLASSIFIED Caveats: NONE

From:

"Robershotte, Paul J SPD" <Paul.J.Robershotte@usace.army.mil>

To:

Karen Schwinn/R9/USEPA/US@EPA, "Nepstad, Michael G SPK" <Michael.G.Nepstad@usace.army.mil>

Cc:

"Jewell, Michael S SPK" <Michael.S.Jewell@usace.army.mil>, "Smith, Chip R Mr CIV USA ASA CW"  
<chip.smith1@us.army.mil>, "Salt, Rock" <rock.salt@us.army.mil>, Erin Foresman/R9/USEPA/US@EPA, Tom  
Hagler/R9/USEPA/US@EPA

Date:

06/24/2011 11:27 AM

Subject:

RE: BDCP CWA/408/10 MOU (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Karen

Yes, it was Dale H-F that specifically asked the status of the Purpose & Need. I shared that we had hoped that we might include the P & N in the MOU, and that the Purpose was pretty close (needed to capture the original 2009 NOI Plus, EPA concern, plus the Oct 2010 Lead Agency response). David Nawi was sending Dale the Oct 2010 letter. Further, that the Bureau was to revisit Chapter 2 and propose the changes they wanted to make to "Need" and get that submitted. I think that is where we are. DWR is supportive in getting involved and getting this advanced.

Paul

-----Original Message-----

From: Schwinn.Karen@epamail.epa.gov [mailto:Schwinn.Karen@epamail.epa.gov]

Sent: Friday, June 24, 2011 11:15 AM

To: Robershotte, Paul J SPD; Nepstad, Michael G SPK

Cc: Jewell, Michael S SPK; Smith, Chip R Mr CIV USA ASA CW; Salt, Rock;

Foresman.Erin@epamail.epa.gov; Hagler.Tom@epamail.epa.gov

Subject: Re: BDCP CWA/408/10 MOU (UNCLASSIFIED)

Thanks Paul! I agree with point #5. Wouldn't next step on that be a submittal from the Lead Agencies, followed by a response from Corps and us? Did David or Mark agree to move forward on that? - Karen

---

From: "Robershotte, Paul J SPD" [Paul.J.Robershotte@usace.army.mil]

Sent: 06/24/2011 11:07 AM MST

To: "Nepstad, Michael G SPK" <Michael.G.Nepstad@usace.army.mil>

Cc: "Jewell, Michael S SPK" <Michael.S.Jewell@usace.army.mil>; "Smith, Chip R Mr CIV USA ASA CW" <chip.smith1@us.army.mil>; "Salt, Rock"

<rock.salt@us.army.mil>; Erin Foresman; Tom Hagler; Karen Schwinn

Subject: BDCP CWA/408/10 MOU (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Mike, with cc to Mr Salt, Chip, Mike, Karen, Tom & Erin:

David Nawi & I had a constructive discussion with Mark Cowin, Dale Hoffman-Floerke, and Cathy Caruthers from DWR this morning. The summary of Mark's comments would include:

1. DWR sees the advantages and benefits of addressing NEPA and CWA both at this time;
2. Thus, DWR will pursue being a signatory on the proposed MOU;
3. Recognizing, however, this does not require "pressing reset" on our targeted schedules (and recognizing everyone's process fatigue associated with BDCP);
4. The version we received Wednesday looks quite good, but we will need some time to digest, ask questions, and suggest edits;
5. We see no reason to wait on advancing to Checkpoints identified in the MOU such as agreement on Propose & Need, but do this in parallel with finalizing and signing the MOU.

So, I think we made progress this morning.

Best,

Paul

Paul J Robershotte

Special Advisor

Integrated Water Resource Planning

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Classification: UNCLASSIFIED

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